| Notice of Allowability | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/505,119 | REVNELL, JOSEPH D. | |
| | Examiner | Art Unit | |
| | Mirellys Jagan | 2859 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the BPAI Decision of 8/25/05*.

2. ☒ The allowed claim(s) is/are *2-8,10-18,25-29,33,36,37 and 39-68*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   **Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

## EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Marcus Dolce on 11/15/05.

3. The application has been amended as follows:

In the Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

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1. (canceled)

2. The measuring and layout device of claim 12, wherein the angle and distance device includes a tape measure that incorporates the tape.

3. The measuring and layout device of claim 2, wherein the angle and distance device includes a carrier that is adapted to hold the tape measure.

4. The measuring and layout device of claim 3, wherein the carrier is pivotally coupled to the stationary member.

5. The measuring and layout device of claim 4, wherein:

the carrier includes a front leg adjacent a top of the stationary member; and the front leg has guides for the tape and a straight edge for making the template.

6. The measuring and layout device of claim 4, wherein the carrier includes an integral housing; and the tape measure is located within the housing.

7. The measuring and layout device of claim 12, wherein the stationary member is a board.

8. The measuring and layout device of claim 7, wherein the board includes non-slip feet.

9. (canceled)

10. The measuring and layout device of claim 12, wherein the template is formed by markings written onto a paper placed on the stationary member.

11. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked on; and

an angle and distance device fixedly and rotatably attached to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area;

wherein the template is formed by markings written directly onto the stationary member; and

wherein the stationary member has a circular configuration.

12. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked on; and

an angle and distance device fixedly and rotatably attached to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area;

wherein the stationary member has a substantially semi-circular configuration.

13. The measuring and layout device of claim 12, wherein the angle and distance device includes a tape measure extender for mechanically extending the tape, thereby allowing a single person to create the template while staying in a single central location.

14. The measuring and layout device of claim 12, wherein the tape includes an end with a holder attached thereto; and the holder is configured to secure a writing utensil.

15. The measuring and layout device of claim 12, wherein the angle and distance device has a digital readout for accurately communicating a distance that the tape is extended from the angle and distance device.

16. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked on; and

an angle and distance device fixedly and rotatably attached to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area;

wherein the tape has a pivotal pointer at a distal end.

17. A method of measuring and laying out a template of a room comprising:

providing a stationary member;

providing a tape measure;

extending the tape measure to a critical feature of an area in a room to be measured; and

recording direction and distance information on the stationary member from the tape measure relating to the critical feature.

18. The method of measuring and laying out a template of claim 17, further comprising:

providing a pointer on an end of the tape measure adapted to be accurately aligned with the critical feature of the area; and

recording the information of the stationary member as the pointer aligns with the critical feature.

19-24. (canceled)

25. A method of measuring and laying out an area comprising:

providing a stationary member having a flat surface adapted to be marked on;

fixedly and rotatably attaching an angle and distance device to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member; and

forming an accurate template by reliably marking on the stationary member as the angle and distance device is rotated and the tape is extended and retracted to critical features of the area.

26. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked on;

an angle and distance device rotatably attached to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member to form an accurate template as the angle and distance device is rotated and the tape is extended and retracted to critical features of an area; and

a motor and motor controller operably connected to the longitudinally and laterally rigid tape for extending, retracting and axially rotating the tape;

the motor controller being programmed to record data and create an electronic version of the template.

27. The measuring and layout device of claim 26, wherein the tape includes a marker on one end, and the motor controller is programmed to move the marker in accordance with the template on a surface.

28. The measuring and layout device of claim 27, wherein the template comprises a picture.

29. The measuring and layout device of claim 26, wherein the motor controller is programmed for automatic operation to create the template and to draw the template on a workpiece.

30-32. (canceled)

33. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked upon;

a carrier fixedly and rotatably attached to the stationary member; and

an extendable tape connected to the carrier, the tape being configured to be extended from the carrier, the tape including an edge that facilitates reliably marking on the stationary member to form an accurate template as the carrier is rotated and the tape is extended and retracted to critical features of an area;

wherein the carrier includes a tape extender for mechanically extending the tape, thereby allowing a single person to create the template while staying in a single central location;

the carrier includes a front leg adjacent a top of the stationary member;

wherein the front leg has guides for the tape and a straight edge for making the template;

wherein the stationary member is a board; and

wherein the board includes non-slip feet.

34-35. (canceled)

36. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked upon;

a carrier fixedly and rotatably attached to the stationary member; and

an extendable tape connected to the carrier, the tape being configured to be extended from the carrier, the tape including an edge that facilitates reliably marking on the stationary member to form an accurate template as the carrier is rotated and the tape is extended and retracted to critical features of an area;

wherein the carrier includes a tape extender for mechanically extending the tape, thereby allowing a single person to create the template while staying in a single central location; and

wherein the stationary member has a circular configuration.

37. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked upon;

a carrier fixedly and rotatably attached to the stationary member; and

an extendable tape connected to the carrier, the tape being configured to be extended from the carrier, the tape including an edge that facilitates reliably marking on the stationary member to form an accurate template as the carrier is rotated and the tape is extended and retracted to critical features of an area;

wherein the carrier includes a tape extender for mechanically extending the tape, thereby allowing a single person to create the template while staying in a single central location; and

wherein the stationary member has a substantially semi-circular configuration.

38. (canceled)

39. A measuring and layout device comprising:

a stationary member having a flat surface adapted to be marked upon;

a carrier fixedly and rotatably attached to the stationary member; and

an extendable tape connected to the carrier, the tape being configured to be extended from the carrier, the tape including an edge that facilitates reliably marking on the stationary member to form an accurate template as the carrier is rotated and the tape is extended and retracted to critical features of an area;

wherein the carrier includes a tape extender for mechanically extending the tape, thereby allowing a single person to create the template while staying in a single central location; and

wherein the tape has a pivotal pointer at a distal end.

40. The method of measuring and laying out of claim 17, further including:

rotatably attaching a carrier to the stationary member; and

connecting the tape measure to the carrier.

41. The method of measuring and laying out of claim 40, wherein:

the carrier includes a front leg adjacent a top of the stationary member;

the front leg has guides for the tape measure and a straight edge; and

the step of recording information on the stationary member including making a mark along the straight edge of the front leg.

42. The method of measuring and laying out of claim 40, wherein the tape measure is located within the carrier.

43. The method of measuring and laying out of claim 17, wherein the stationary member is a board.

44. The method of measuring and laying out of claim 43, wherein the board includes non-slip feet.

45. The method of measuring and laying out of claim 17, wherein the step of recording information on the stationary member includes writing information directly onto the stationary member.

46. The method of measuring and laying out of claim 17, wherein the step of recording information on the stationary member includes writing information onto a paper placed on the stationary member.

47. The method of measuring and laying out of claim 17, wherein the stationary member has a circular configuration.

48. The method of measuring and laying out of claim 17, wherein the stationary member has a substantially semi-circular configuration.

49. The method of measuring and laying out of claim 17, further including:

providing a tape measure extender for mechanically extending the tape measure; and

extending the tape measure with the tape measure extender.

50. The method of measuring and laying out of claim 17, further including:

attaching a holder to an end of the tape measure;

wherein the holder is configured to secure a writing utensil to the end of the tape measure.

51. The method of measuring and laying out of claim 17, wherein the tape measure has a digital readout for accurately communicating a distance that the tape measure is extended from the stationary member.

52. The method of measuring and laying out of claim 17, further including connecting a pivotal pointer to a distal end of the tape measure.

53. The method of measuring and laying out of claim 17, wherein the step of recording information on the stationary member includes writing a distance of the tape measure from the stationary member to the critical feature on the stationary member and writing angle information on the stationary member signifying an angle of the tape measure relative to the stationary member.

54. The method of measuring and laying out of claim 25, wherein the angle and distance device includes a tape measure that incorporates the tape.

55. The method of measuring and laying out of claim 54, further including providing the angle and distance device with a carrier that is adapted to hold the tape measure.

56. The method of measuring and laying out of claim 55, further including pivotally coupling the carrier to the stationary member.

57. The method of measuring and laying out of claim 56, wherein:

the carrier includes a front leg adjacent a top of the stationary member;

the front leg has guides for the tape measure and a straight edge; and

the step of forming a template includes making a mark along the straight edge of the front leg.

58. The method of measuring and laying out of claim 25, wherein the stationary member is a board.

59. The method of measuring and laying out of claim 25, wherein the board includes non-slip feet.

60. The method of measuring and laying out of claim 25, wherein the step of forming the accurate template includes writing directly onto the stationary member.

61. The method of measuring and laying out of claim 25, wherein the step of forming the accurate template includes writing onto a paper placed on the stationary member.

62. The method of measuring and laying out of claim 25, wherein the stationary member has a circular configuration.

63. The method of measuring and laying out of claim 25, wherein the stationary member has a substantially semi-circular configuration.

64. The method of measuring and laying out of claim 25, further including:

providing the angle and distance device with a tape extender for mechanically extending the tape; and

extending the tape with the tape extender.

65. The method of measuring and laying out of claim 25, further including:

attaching a holder to an end of the tape measure;

wherein the holder is configured to secure a writing utensil to the end of the tape measure.

66. The method of measuring and laying out of claim 25, further including providing the angle and distance device with a digital readout for accurately communicating a distance that the tape is extended from the angle and distance device.

67. The method of measuring and laying out of claim 25, further including connecting a pivotal pointer to a distal end of the tape.

68. A method of measuring and laying out an area comprising:

providing a stationary member having a flat surface adapted to be marked on;

rotatably coupling an angle and distance device to the stationary member, the angle and distance device including a longitudinally and laterally rigid extendable tape that can be extended from a central point and an edge that facilitates reliably marking on the stationary member; and

forming an accurate template by reliably marking on the stationary member as the angle and distance device is rotated and the tape is extended and retracted to critical features of the area; wherein

the step of forming an accurate template includes writing a distance of the tape from the stationary member to the critical feature on the stationary member and writing angle information on the stationary member signifying an angle of the tape relative to the stationary member.

69. (canceled)

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4. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest the following in combination with the remaining limitations of the claims:

A measuring and layout device comprising:

a. a stationary member having a flat surface adapted to be marked on; wherein:

i. the stationary member has a circular configuration (claims 11 and 36);

ii. the stationary member has a substantially semi-circular configuration (claims 12 and 37);

iii. the tape has a pivotal pointer at a distal end (claims 16 and 39); or

iv. the board includes non-slip feet (claim 33).

b. a motor and motor controller operably connected to the longitudinally and laterally rigid tape for extending, retracting and axially rotating the tape; the motor controller being programmed to record data and create an electronic version of the template (claim 26).

A method of measuring and laying out a template of a room, the method comprising extending the tape measure to a critical feature of an area in a room to be measured (claim 17).

A method of measuring and laying out an area, the method comprising:

fixedly and rotatably attaching an angle and distance device to the stationary member (claim 25); or

writing angle information on the stationary member signifying an angle of the tape relative to the stationary member (claim 68).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mirellys Jagan whose telephone number is 571-272-2247. The examiner can normally be reached on Monday-Friday from 11AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJ
November 21, 2005

**Diego Gutierrez**
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